

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Chavon Shanta Fields,

Plaintiff,

–v–

Commissioner of Social Security,

Defendant.

19-cv-18 (AJN) (DF)

ORDER

ALISON J. NATHAN, District Judge:

On January 10, 2019, the Court referred this Social Security case to Magistrate Judge Debra Freeman. Dkt. No. 7. On February 18, 2022, Judge Freeman filed a Report & Recommendation recommending that the Court grant Plaintiff’s motion for attorney’s fees pursuant to 42 U.S.C. § 406(b)(1). Dkt. No. 38.

When considering the findings and recommendations of a magistrate judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no timely objections to the Report and Recommendation. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN) (RLE), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB) (MHD), 2013

WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

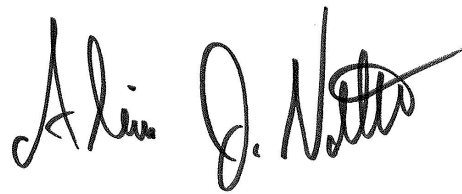
As of this date, no objections to the Report and Recommendation have been filed, and the deadline for objections has passed. *See* Dkt. No. 38 at 4. Thus, the Court reviews the Report & Recommendation for clear error, and it finds none.

The Court therefore adopts the Report and Recommendation in its entirety and GRANTS Plaintiff's motion for attorney's fees under 42 U.S.C. § 406(b)(1). The Court orders the following: (1) that attorney's fees be awarded to Plaintiff's counsel in the amount of \$14,677.75 and (2) that Plaintiff's counsel refunds promptly to Plaintiff the \$8,200 in attorney's fees previously awarded by the Court, under the Equal Access to Justice Act.

This resolves docket number 32. The Clerk of Court is respectfully directed to enter judgment in accordance with the Report and Recommendation and close this case.

SO ORDERED.

Dated: March 22, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge